

**UNITED STATES COURT OF APPEALS**

FOR THE SIXTH CIRCUIT

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UNITED STATES OF AMERICA,

*Plaintiff-Appellee,*

v.

RAY GIBSON,

*Defendant-Appellant.*

}  
No. 15-6122

Appeal from the United States District Court  
for the Eastern District of Kentucky at London.  
No. 6:14-cr-00025-1—Amul R. Thapar, District Judge.

Argued: October 11, 2017

Decided and Filed: October 31, 2017

Before: COLE, Chief Judge; BATCHELDER, DAUGHTREY, MOORE,  
CLAY, GIBBONS, ROGERS, SUTTON, COOK, McKEAGUE, GRIFFIN,\*  
KETHLEDGE, WHITE, STRANCH, DONALD, and BUSH, Circuit Judges.

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**COUNSEL**

**ARGUED EN BANC:** Dennis C. Belli, Columbus, Ohio, for Appellant. Finnuala K. Tessier, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Appellee. **ON SUPPLEMENTAL BRIEF:** Dennis C. Belli, Columbus, Ohio, for Appellant. Finnuala K. Tessier, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., Charles P. Wisdom, Jr., John Patrick Grant, UNITED STATES ATTORNEY'S OFFICE, Lexington, Kentucky, for Appellee.

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\* Judge Amul R. Thapar recused himself from participation in this ruling.

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**ORDER**

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This case was heard by the en banc court on October 11, 2017. The en banc court is evenly divided; therefore, the sentence imposed by the district court is AFFIRMED. *See Sch. Dist. of City of Pontiac v. Sec'y of U.S. Dep't of Educ.*, 584 F.3d 253, 256 (6th Cir. 2009) (en banc); *Stupak-Thrall v. United States*, 89 F.3d 1269, 1269 (6th Cir. 1996) (en banc).

IT IS SO ORDERED.

ENTERED BY ORDER OF THE COURT



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Deborah S. Hunt, Clerk